

HON. ROBERT S. LASNIK

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

Z.D., by and through her parents and  
guardians, J.D. and T.D., individually, on  
behalf of THE TECHNOLOGY ACCESS  
FOUNDATION HEALTH BENEFIT PLAN,  
and on behalf of similarly situated individuals,

Plaintiffs,

v.

GROUP HEALTH COOPERATIVE; GROUP  
HEALTH OPTIONS, INC.; and THE  
TECHNOLOGY ACCESS FOUNDATION  
HEALTH BENEFIT PLAN,

Defendants.

NO. C11-1119RSL

ORDER:

- (1) PRELIMINARILY APPROVING  
SETTLEMENT;
- (2) APPROVING AND DIRECTING  
CLASS NOTICE; AND
- (3) SCHEDUING A FINAL  
SETTLEMENT APPROVAL  
HEARING

This matter comes before the Court on the parties' Joint Motion for Preliminarily  
Approval of Settlement Agreement (Dkt. # 154). The motion (Dkt. # 154) is  
GRANTED. It is hereby ORDERED as follows:

(1) Based on the record before it, the Court tentatively finds, pursuant to  
Federal Rule of Civil Procedure 23(e), that the proposed Settlement Agreement  
attached as *Appendix 1* to the Motion for Preliminary Approval of Settlement

1 Agreement is fair, reasonable and adequate. The Settlement essentially locks in place  
 2 the Court's Orders in this litigation, subject only to differing directives from statute,  
 3 regulation, or a Final Decision (as defined in the Agreement) from a Washington State  
 4 appellate court. The Settlement also provides a reasonable mechanism for payment of  
 5 attorneys' fees and costs. The Court's preliminary approval is subject to change  
 6 pending the outcome of the final settlement approval hearing ("Settlement Approval  
 7 hearing") established herein.

8 (2) The Court finds that notice of the proposed Settlement Agreement may  
 9 be achieved by posting on Defendant's website only.

10 (3) A hearing to consider whether the proposed Settlement Agreement is  
 11 fair, reasonable, and adequate and should be finally approved is scheduled for  
 12 September 26, 2013 at 8:30 a.m. at the United States District Court for the Western  
 13 District of Washington, 700 Stewart Street, Seattle, WA 98101.

14 (4) Class members who wish to comment on or object to the proposed  
 15 Settlement Agreement must submit written comments or objections to the Court no  
 16 later than September 13, 2013.

17 (5) Class members who wish to appear at the final Settlement Approval  
 18 hearing may do so if they submit written notice to the Court, with copies to counsel,  
 19 that they intend to appear in person or through counsel. If a class member wishes to  
 20 appear in person or through counsel at the hearing, he or she must also describe the  
 21 nature of their comment or objection in their written notice of intent to appear. Written  
 22 notice of intent to appear must be filed with the Court and mailed to counsel by  
 23 September 13, 2013.

24 (6) A Motion for Final Approval of the Settlement Agreement, together with  
 25 any supporting declarations or other documentation, must be filed by no later than  
 26

1 September 20, 2013. Class counsel shall also mail the Motion to all Class Members who  
2 object or file written notice with the Court that they intend to appear at the final  
3 Settlement Approval hearing.

4 It is so ORDERED this 19<sup>th</sup> day of August, 2013.

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8 Robert S. Lasnik  
9 United States District Judge

10 Presented by:

11  
12 SIRIANNI YOUTZ  
13 SPOONEMORE HAMBURGER

14 /s/ Eleanor Hamburger

15 Richard E. Spoonemore (WSBA #21833)  
16 Eleanor Hamburger (WSBA #26478)  
17 Attorneys for Plaintiffs

18 and

19 DAVIS WRIGHT TREMAINE, LLC

20 /s/ Douglas C. Ross

21 Douglas C. Ross (WSBA #12811)  
22 Rebecca Francis (WSBA #41196)  
23 Attorneys for Defendants